

# Exhibit 6

## ORAL DEPOSITION OF STEPHEN MICHAEL MCCOLLUM

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

STEPHEN MCCOLLUM, et al,  
Plaintiffs,

V.

BRAD LIVINGSTON, et al,  
Defendants.

C.A. No. 3:12-CV-02037

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ORAL DEPOSITION OF  
STEPHEN MICHAEL MCCOLLUM

November 22, 2013

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ORAL DEPOSITION OF STEPHEN MICHAEL MCCOLLUM,  
produced as a witness at the instance of the Defendant  
University of Texas Medical Branch and duly sworn, was  
taken in the above-styled and numbered cause on the 22nd  
of November, 2013, from 3:35 p.m. to 5:22 p.m., before  
DEBRA L. MCGREW, CSR in and for the State of Texas,  
reported by machine shorthand at the offices of Edwards  
Law, 1101 E. 11th Street, Austin, Texas, pursuant to the  
Federal Rules of Civil Procedure.

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1 A. Her name was Nicole, NICOLE, maiden name  
2 Jorgenson, and now it's -- she's remarried.

3 Q. And were you ever married to anybody else?

4 A. No. Just that and my current wife.

5 Q. Okay. I want to ask you some questions  
6 primarily about your father.

7 A. Yes, ma'am.

8 Q. Many of them are going to be the same.

9 A. I understand.

10 Q. Do you know whether your father was ever  
11 diagnosed with diabetes?

12 A. I do not. I only know what he told my sister  
13 as -- as far as like them saying that he had diabetes  
14 while he was in -- in jail because of his blood sugar  
15 and things like that and them putting him on medicine  
16 for diabetes while in jail.

17 Q. Okay. So you -- you just told me a lot of  
18 stuff in that one little sentence.

19 A. Okay. Sorry.

20 Q. That's okay. Did -- is it -- okay.

21 What is your understanding of who told  
22 your dad that he had diabetes?

23 A. I'm --

24 Q. Or tell me that again.

25 A. Okay. I would say whenever he went to jail in

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1 Bonham, that's whenever, to my understanding, he was  
2 told that he had diabetes, because of his blood sugar  
3 and his heart -- blood pressure.

4 Q. And that was by somebody at the prison the  
5 first time he went when he went to the Bonham unit or  
6 the --

7 A. Yes, ma'am.

8 Q. -- unit that's in Bonham?

9 A. Yes, ma'am.

10 Q. Okay.

11 A. And that was mainly just, you know, hearing  
12 what he said they made him take while he was in prison.

13 Q. And what did you hear him say they made him  
14 take?

15 A. Diabetic medication, not -- not insulin. I do  
16 not know the name of the medication, though.

17 Q. Okay. And did your dad tell you that, or did  
18 your sister tell you that?

19 A. It's just a combination of things I've heard  
20 over the years. You know, his brother Terry and I went  
21 and picked him up from that prison and so, you know, his  
22 brother knew a lot more about his condition because he  
23 lived with his brother for a while, and I just remember  
24 hearing that over the years. I couldn't tell you  
25 exactly when.

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1 Q. Okay. After he passed away.

2 A. Yes, ma'am. Yes, ma'am.

3 Q. Okay. What about any other medical conditions,  
4 you know -- I don't know, migraine headaches, asthma?  
5 Did you ever hear about him having anything -- anything?

6 A. No, nothing more than sore knees, but that's  
7 just because he had -- he was overweight.

8 Q. And one more time. Did you ever see medical or  
9 prescription bottles by his nightstand or anything like  
10 that?

11 A. No, ma'am. I -- I never saw him take anything  
12 other than aspirin.

13 Q. How often -- how old were you when your parents  
14 got divorced?

15 A. One.

16 Q. Okay.

17 A. My sister is five years older than me so --

18 Q. Would -- would you go and visit your dad at  
19 your grandparents house, then?

20 A. Yes. I would -- I would go there every other  
21 weekend, and I did so until high school. I mean I  
22 always enjoyed my time with my father.

23 Q. Was there ever a time when you -- when that  
24 started -- that you remember that started, or you think  
25 you did that ever since you were a little baby?

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1 get involved with it. That's just how he was.

2 Q. Did -- Did he say whether -- and I -- I think I  
3 know the answer to this, but did he say whether your dad  
4 had asked the guards or the other people for either a  
5 cup or a lower bunk or different shoes that was denied?  
6 Do you see what I'm saying?

7 A. He did not say that specifically, no. I -- I  
8 do not know the answer to that.

9 Q. Okay. And -- and I assume you never got a call  
10 from your dad saying, Hey, can you send me a cup and  
11 some shoes?

12 A. I did not. I -- I wish I would have.

13 Q. Did you consider your father to be disabled?

14 MR. MEDLOCK: Object to the extent that it  
15 calls for a legal conclusion.

16 Q. (BY MS. COOGAN) Okay. Go ahead.

17 A. In -- during that time, yes, because -- because  
18 of his knee and his obesity, yes, I -- disabled, yes.

19 Q. Because of his knee and his obesity?

20 A. Yes, ma'am.

21 Q. Okay. And his knee being from the automobile  
22 accident?

23 A. Yes, ma'am.

24 Q. Did his doctor from the automobile accident  
25 give him any kind of a cane or special walking

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1 equipment?

2 A. To my knowledge, he -- he had a boot on for a  
3 while, and that was removed long before going to  
4 McLennan County.

5 Q. And, yet, for some -- whatever reason, it  
6 really never did get right again?

7 A. Yes, ma'am, I -- I believe due to his weight.

8 Q. His weight. Okay.

9 Did you ever -- did you feel like you were  
10 right with your dad when he passed?

11 A. Yeah, because a lot of the things that happened  
12 when we were -- when I was a kid, I'd already talked to  
13 him after I'd become an adult, you know, just pretty  
14 much what not to do. I -- I forgave him for all of that  
15 long before he went to prison.

16 Q. Since he passed away, I heard your sister say  
17 that she's really struggled with it and is seeing a  
18 counselor now.

19 A. Yes, ma'am.

20 Q. Have you sought any kind of counseling?

21 A. I have not.

22 Q. Do you think that you need to seek some  
23 counseling?

24 A. Not really. I -- I have, you know, friends and  
25 family that I speak with about things and I -- I don't

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1 in your father's death?

2 A. No.

3 Q. There's no claim that, because of the car  
4 accident, he had a bum knee and, because he had a bum  
5 knee, he couldn't get into the bunk or walk over and get  
6 food? None of that's in that other lawsuit?

7 A. No. It -- none of that went into that lawsuit,  
8 to my knowledge.

9 Q. Do you think those were factors in your  
10 father's death?

11 A. I really wouldn't piece it all together like  
12 that. No, I do not think that's a factor in my father's  
13 death.

14 Q. But earlier you testified that you did think  
15 that, because of his weight and because of his knee,  
16 that's why he had a hard time getting to meals, because  
17 of the distance; is that right?

18 A. Yes, getting to meals. But I also testified  
19 that, to my knowledge, his death was caused by a heat  
20 stroke which, you know, it doesn't matter what your  
21 knee's like or how much food you have, really. I mean  
22 heat's heat.

23 Q. Uh-huh. Is it -- earlier did you testify that,  
24 because of his weight and because of his knee, it was  
25 your understanding that he had difficulty getting to and



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1 from his bunk?

2 A. Yes. That -- yes, I did say that.

3 Q. Okay. Did you also testify of that, because of  
4 his weight and his bad knee, that he would have had  
5 difficulty getting to a water fountain or source of  
6 water?

7 A. No, not because of his knee. I -- I think he  
8 had sources of water in the room --

9 Q. Uh-huh.

10 A. -- but from what I was told, they brought ice  
11 water into the room and the only reason I know he didn't  
12 get any of that is because he didn't have a cup yet and  
13 it was in a cooler and you couldn't just go over there  
14 with your hands and scoop water in your face because  
15 you're going to make all the other guys in that room  
16 upset.

17 Q. What if you just drank from underneath it  
18 without a cup? Could you not do that?

19 A. I don't believe so. I mean from what the  
20 person told me that I spoke to on the phone, that was  
21 the time of day that a lot of the -- a lot of the  
22 people, you know, that would get a little antsy, like  
23 almost fight over the water, you know, like, He's had  
24 too much, you've had enough, that type of thing. And  
25 just me knowing my father, he wasn't going to have any

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1 A. It kind of is, yes.

2 Q. It's not -- based on your experiences with him,  
3 that's why it's hard to believe?

4 A. Yes, because I mean he's always very -- very  
5 laid back and, you know, he's -- he's never really  
6 struck me as the type of guy to, you know, have issues  
7 like that.

8 Q. What about any uncles? Did any -- are you  
9 aware of any uncles that have a history of mental  
10 illness?

11 A. Not to my knowledge, no.

12 Q. Is it something y'all would talk about?

13 A. I mean I'm sure if -- if that is something that  
14 one of my family members was dealing with, I would know  
15 about it because, like any family, everybody talks to  
16 everybody about, you know, what's going on in  
17 everybody's lives.

18 Q. Do you know if your family has a history of  
19 hypertension?

20 A. I do not have any knowledge of that, no.

21 Q. Okay. Do you know if your father had  
22 hypertension?

23 A. I -- I never knew previous to some of the  
24 reports that I saw from Parkland.

25 Q. Does any -- are you aware of anyone in your

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\_\_\_\_\_ was requested by the deponent or a party before the completion of the deposition and returned within 30 days from date of receipt of the transcript. If returned, the attached Changes and Signature page contains any changes and the reasons therefor;

Austin Bryan/College Station Corpus Christi Dallas/Fort Worth East Texas Houston San Antonio

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1           \_\_X\_\_ was not requested by the deponent or a  
2 party before the completion of the deposition.

3           I further certify that I am neither attorney  
4 nor counsel for, related to, nor employed by any of the  
5 parties to the action in which this testimony was taken.  
6 Further, I am not a relative or employee of any attorney  
7 of record in this case, nor am I financially or  
8 otherwise interested in the outcome of the action.

9           Subscribed and sworn to on this the 9th day of  
10 December, 2013.

11  
12  
13  
14           Debra L. McGrew, Texas CSR #1573  
15           Expiration Date: 12/31/2014  
16           Sunbelt Reporting & Litigation Services  
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